



being stalked for a period of five years or more. Aside from the mental, emotional and economic toll of such conduct, stalking victims routinely suffer other severe consequences at the hand their perpetrators. Nearly 25 percent of stalking victims also report property damage, and 21 percent report being physically assaulted. Also, alarming is that 15 percent of victims reported attacks on family members, friends, co-workers, children and pets by their stalkers.

Cyberstalking represents an alarming subset of all stalking victims. According to the DOJ, more than 25 percent of stalking victims were also harassed by use of digital technology including GPS tracking, computer spyware, instant messaging, or visual and audio recorders. Put simply, as much as digital technology helps us in most aspects of our daily lives, it also enables malevolent perpetrators to track, interfere with and abuse their victims. For most of us, digital devices are an aid in an ever-increasing technological world. But for some victims, digital devices mean an increased risk of physical assault and/or death.

It is important to understand that both cyberstalking and off-line stalking involve an attempt to induce fear and to exercise control over the victim. But cyberstalking (1) uses the Internet for instantaneous harassment, (2) does not require proximity with the victim, (3) offers greater anonymity to the offender, (4) allows perpetrators to more easily impersonate their victim, and (5) can encourage third-parties to harass their victims.

Cyberstalking victims report similar complaints such as “he always knows

where I am” or “he knows everyone I talk to or text.” Much of the behavior of digital stalkers standing alone would be cause for alarm. The use of threatening language such as “I am your worst nightmare,” discussions of murder/suicide, or physical intrusion into a victim’s private spaces such as a residence or car to implant surveillance devices are by themselves often violations of the law. These types of conduct, when coupled with a lengthy and persistent pattern of less overtly threatening behavior, are extraordinarily alarming, as well as physically and mentally disruptive to an individual struggling to put distance between herself and her abuser.

Stalkers themselves typically can be characterized as one of three types. The first category is erotomania. The term commonly refers to what we think of as celebrity stalkers and is characterized by the delusional belief that his victim loves him, but is unobtainable. The second type is classified as the love-obsessional stalker. These individuals have no relationship with the victim but may have had some sort of prior contact. Finally, a simple-obsessional stalker refers to those offenders who have had a previous relationship, oftentimes intimate, with the victim. These perpetrators are motivated by a desire to resume the relationship or for retribution. It is this group of offenders which law enforcement is most likely to encounter. These cases may also be the most dangerous because 80 percent of women who are stalked by former husbands are physically assaulted, and 30 percent are sexually assaulted, according to the Center for Policy Research, *Stalking in America*.

## THE LAW

The first stalking laws originated in California in the early 1990’s as a result of the stalking and murder of Rebecca Schaeffer, star of television series *My Sister Sam*. While prosecutions for such off-line conduct are occurring with more frequency, they can hardly be characterized as commonplace. Many victims, especially victims of simple-obsessional stalking, choose not to even report stalking incidents, thus perpetuating the problem.

As infrequent as off-line stalking cases are, cyberstalking prosecutions are even more infrequent. About one-third of states have passed specific cyberstalking laws. Another group of states, including Kentucky, have amended existing general stalking statutes to make cyberstalking a crime, also. It is important that investigators understand the nature of cyberstalking versus other forms of computer related offenses. For instance, cyberbullying — which is itself growing more commonplace — involves the victimization of minors while cyberstalking typically implicates harassment between adults.

Kentucky’s response to the problem of cyberstalking is subsumed within our off-line or general stalking statute. KRS § 508.130 provides:

(1)(a) To “stalk” means to engage in an intentional course of conduct:

1. Directed at a specific person or persons;
2. Which seriously alarms, annoys, intimidates, or harasses the person or persons; and
3. Which serves no legitimate purpose. >>